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May 21, 2014

VIA FAX

Hon. Robert W. Sweet
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312
(212) 805-7925

Re: *Crisp v. The City of New York et al.*, 12-cv-05842-RWS
Elliot et al v. The City of New York et al., 12-cv-00992-RWS
Lawler v. The City of New York et al., 12-cv-05843-RWS
Hanlin v. The City of New York et al., 12-cv-05844-RWS
Clarke, et al. v. The City of New York, et al., 12¹³-cv-5303-RWS
Bull v. The City of New York, et al., 12¹³-cv-5563-RWS
Sterling et al v. City of New York et al., 12-cv-07086-RWS
Schomburg v. Bologna et al., 12-cv-07161-RWS
Dedrick v. The City of New York et al., 12-cv-07165-RWS
Dierken, et al. v. City of New York, et al., 12-CV-07462-RWS

Dear Honorable Judge Sweet:

Please recall that I am the attorney of record for the Plaintiffs in the above referenced matter *Dierken, et al. v. City of New York, et al.* ("*Dierken*"), a matter consolidated for discovery purposes with the other above-referred matters arising out of incidents occurring in the vicinity of Union Square on September 24, 2011. Per Your Honor's direction, counsel for all parties have conferred and join with the *Dierken* Plaintiffs in submitting this joint letter memorializing the understandings reached in our conference before Your Honor yesterday, May 20, 2014.

Generally, the parties in the above-referred matters and the Court have agreed that an initial round of approximately twenty (20) party depositions in the above-referred matters should proceed by or before September 30, 2014, with all depositions in this matter to be

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concluded no later than March of 2015. The initial round of depositions is contemplated to include the depositions of, *inter alia*, defendant commanding officers Deputy Inspector Anthony Bologna and retired Chief Joseph Esposito, as well as a selection of plaintiffs involved in pepper spray claims arising in the September 24, 2011 incidents, and the defendant officers identified by Defendant City of New York as arresting officers with relation to said plaintiffs.

In order to identify proper parties for this first round of depositions, a two-stage process was agreed-upon in the conference before Your Honor. By or before the end of this week, Friday May 23, 2014, counsel for all plaintiffs will inform defendants' counsel which particular plaintiffs are proceeding on claims involving use of pepper spray by Defendant Bologna, in communications copied to all counsel herein. Thereafter, counsel will confer and agree on particular specific parties to be deposed by or before September 30, 2014, and will inform the Court of the parties' plan for this initial round of depositions in a joint letter to be submitted to the Court by or before Friday, May 30, 2014. Plaintiffs' counsel conferred following our conference before the Court, and will seek to conduct this initial round of depositions on an "as-available" basis, without prioritization of particular parties or classes of parties.

Respectfully Submitted,



Samuel B. Cohen, Esq.

cc: (via e-mail)

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